

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 12-292 (DSD/TNL)

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
V.)
)
)
\$129,140 IN U.S. CURRENCY and)
\$3,778.49 SEIZED FROM TCF BANK)
CHECKING ACCOUNT NO. 1851783852,)
)
)
Defendants.)

**DEFAULT JUDGMENT AND
FINAL ORDER OF
FORFEITURE**

Based on the motion of the United States for an order granting default judgment against all unknown persons and entities who have failed to file a verified claim and answer in this action, and for a final order of forfeiture as to the defendant \$129,140 in U.S. currency; based upon the Stipulation of Settlement that has been entered into between the Plaintiff, and John Edward Weglarz and LaMonica Trenel Weglarz; and based on all the files and records in this action, and on Court's finding as follows that:

1. A verified Complaint for Forfeiture *In Rem* with supporting affidavit was filed on February 3, 2012, alleging that the defendant property is subject to forfeiture to the United States;

2. A Warrant of Arrest and Notice *In Rem* was entered by the Clerk of Court on February 3, 2012, directing the United States Marshals Service to arrest the defendant property; to serve all known persons and entities having an interest in the defendant property with a copy of the Complaint and Affidavit, and Warrant of Arrest; and to give due notice to them to serve on the United States Attorney and file with the Clerk of Court a verified statement of interest in or right against the defendant property within 35 days from the date of service and an answer to the Complaint for Forfeiture within 20 days from the filing date of the verified statement;

3. The United States Marshals Service arrested the defendant property, and a copy of the Summons, Complaint, Warrant of Arrest and Notice *In Rem* was served by certified mail upon all persons known to the United States who may have a potential interest in the defendant property;

4. The United States published a Notice of Civil Forfeiture on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning on February 10, 2012, as required by Rule G(4) (a) (iv) (C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The Notice of

Civil Forfeiture advised all unknown interested third parties of their right to petition the court within sixty (60) days of the first date of publication for a hearing to adjudicate the validity of their alleged legal interest in the above-described property;

5. On March 12, 2012, a claim for the defendant property was filed by John Edward Weglarz and LaMonica Trenel Weglarz (hereafter, "the Claimants"). (Docket No. 5);

6. On March 29, 2012, the Claimants filed Answers to the Complaint for Forfeiture *In Rem*. (Docket Nos. 8 and 9);

7. No other verified statement of interest in or right against the defendant property or answer to the Complaint for Forfeiture has been filed with the Clerk of Court or served on the United States Attorney, and the time for filing a verified claim and answer provided by law has expired; and

8. On or about August 21, 2012, a settlement was reached between the United States, and John Edward Weglarz and LaMonica Trenel Weglarz (hereafter, "Claimants");

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The motion of the United States for a default judgment and final order of forfeiture (Docket No. 21) is GRANTED;

2. A default judgment is entered against all unknown persons and entities having an interest in the defendant property for failure to file a verified statement of interest in or right against the defendant property and an answer to the Complaint for Forfeiture *In Rem* as required by 18 U.S.C. §§ 983(a)(4)(A) and (B), and Rule G(5) of the Supplemental Rules For Admiralty Or Maritime Claims And Asset Forfeiture Actions;

3. All right, title and interest in the defendant \$129,140 in U.S. currency is forfeited to and vested in the United States pursuant to 21 U.S.C. § 881(a)(6);

4. The funds seized from TCF Bank Checking Account No. 1851783852, in the amount of \$3,778.49, will be returned to the Claimants, through their attorney of record, Bruce Rivers, Rivers & Associates, P.A., 701 Fourth Avenue South, Suite 300, Minneapolis, MN 55415. The return of funds to the Claimants is subject to deduction of any debts that may be owed to the United States, if any, pursuant to the Treasury Offset

Program, 31 U.S.C. § 3716(c), as provided for in paragraph 6
of the Stipulation Of Settlement.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 26, 2012

s/David S. Doty
David S. Doty, Judge
United States District Court